

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

JOEL GONZALEZ LOPEZ, §
Individually And As Personal §
Representative of the Estate of Jose §
Alberto Gonzalez Rodriguez, §
DECEASED and PATRICIA §
GUADALUPE RODRIGUEZ, §
Individually §
§

CASE NO. 1:17-CV-00231

Plaintiffs, §
§

VS. §
§

WILLACY COUNTY, TEXAS and §
LARRY SPENCE, in his Individual §
And Official Capacity as Willacy §
County Sheriff §
§

Defendants.

NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i) FOR
LARRY SPENCE IN HIS INDIVIDUAL AND OFFICIAL CAPACITY

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the Plaintiffs, Joel Gonzalez Lopez, individually and as personal representative of the estate of Jose Alberto Gonzalez Rodriguez, deceased, and Patricia Guadalupe Rodriguez, individually, by and through undersigned counsel, hereby give notice that the above captioned action is voluntarily dismissed, without prejudice, against the Defendant Larry Spence in his individual and official capacity. The allegations brought against Larry Spence in his official capacity duplicate claims against Willacy County, Texas. *Castro Romero v. Beeken*, 256 F.3d 349 (5th Cir. 2001). This notice shall not be construed as a voluntary dismissal of Defendant Willacy County, Texas from the above captioned action under a theory of municipal liability.

Respectfully Submitted,

/s/ Ed Stapleton

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CERTIFICATE OF SERVICE

I certify that a true and exact copy of the Plaintiffs' Notice of Voluntary Dismissal Pursuant to F.R.C.P. 41(a)(1)(A)(i) For Larry Spence In His Individual and Official Capacity was delivered by electronic mail upon filing.

/s/ Ed Stapleton

Ed Stapleton